

REMARKS

Entry of Amendment and IDS

As Applicants are filing a RCE herewith, this amendment and the accompanying IDS should be entered and considered by the Examiner at this time.

Applicants will now address each of the Examiner's rejections in the order in which they appear in the Final Rejection.

Claim Rejections - 35 USC §102

In the Final Rejection, the Examiner rejects Claims 1, 4-6, 7, 13-15, 18-19, 20-22 and 25 under 35 USC §102(b) as being anticipated by Liao et al. (US 6,717,358). This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending each of the independent claims to recite the feature of "the fourth layer is in direct contact with the second electrode." This feature is not disclosed or suggested in Liao.

More specifically, as stated by the Examiner in the "Response to Arguments", the rejection over Liao is based on electrical contact (i.e. not direct contact) between the fourth layer 133 and the second electrode 140 in Liao. Hence, there is no direct contact between the fourth layer and the second electrode in Liao.

Therefore, the claims of the present application are not disclosed or suggested by Liao, and the claims are patentable over Liao. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim Rejections - 35 USC §103

Claims 16-17 and 23

The Examiner also rejects Claims 16 -17 under 35 U.S.C. §103(a) as being unpatentable over Liao et al. in view of Matsumoto et al. (US 2005/0098207). This rejection is respectfully traversed.

It is respectfully submitted that Matsumoto is not prior art to the present application.

More specifically, Matsumoto issued on May 12, 2005 based on a U.S. filing date of November 8, 2004.

The present application is a national stage of a PCT application under 35 USC §371 filed on March 30, 2006 which claims priority to PCT/JP2005/018243 filed on September 27, 2005 (international filing date) which claims priority of Japanese patent application serial number 2004-285777 filed September 30, 2004 in Japan (priority date). Applicants are submitting herewith a verified English translation of Japanese patent application serial number 2004-285777.

Hence, since the foreign priority filing date of the present application is prior to the U.S. filing date of Matsumoto, Matsumoto is not prior art to the present application.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim 24

The Examiner also rejects Claim 24 under 35 USC §103(a) as being unpatentable over Liao et al. in view of Yamazaki et al. (US 6,734,457). This rejection is respectfully traversed.

This claim is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, this claim is also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Double Patenting

The Examiner also rejects Claims 1, 4-7, 13-17, 18-19 and 20-25 provisionally on the grounds of non statutory obviousness-type double patenting as being unpatentable over Claims 15-31 of copending application no. 10/575,202 (or US 2007/0090376). This rejection is also respectfully traversed.

While Applicants traverse this rejection, it is respectfully requested that this rejection be held in abeyance until the prior art rejections are overcome and the claims are in their final form.

Other Claim Amendments

In order to advance the prosecution of this application, Applicants are canceling Claims 8-12, without prejudice or disclaimer.

Applicants are also amending Claim 18 to recite that the electron-accepting material, which is included in the fourth layer, is molybdenum oxide. This amendment is supported, for example, by the specification of the present application (see e.g. paragraph [0039] of the Patent Application Publication US2007/0040161 of this application).

Applicants are also amending independent Claims 20-22 to recite that the fourth layer contains both a hole-transporting medium and an electron-accepting material. This amendment is also supported, for example, by the specification of the present application (see e.g. paragraph [0039] of the Patent Application Publication US2007/0040161 of this application).

Applicants are also amending Claims 24 and 25 and adding new Claim 26. These amendments and this new claim are supported, for example, by the specification of the present application (see e.g. paragraph [0039] of the Patent Application Publication US2007/0040161 of this application). If any fee should be due for the new claim, please charge our deposit account 50/1039.

Applicants are also amending some of the claims to correct informalities therein.

Therefore, no new matter is being added, and it is respectfully requested that these amendments and the new claim be entered and allowed.

Information Disclosure Statement

Applicants are submitting an information disclosure statement (IDS) herewith. As a RCE is being submitted herewith, it is respectfully requested that this IDS be entered and considered prior to the issuance of any further action on this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee should be due for this amendment, the new claim, the RCE and/or the IDS, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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